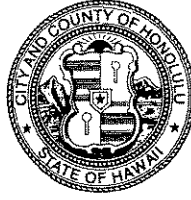


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8000 • FAX: (808) 527-6743
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MUFI HANNEMANN
MAYOR

HENRY ENG, FAICP
DIRECTOR

DAVID K. TANQUE
DEPUTY DIRECTOR

March 13, 2008

The Honorable Barbara Marshall, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

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MAR 17 2 04 PM '08

CITY CLERK
HONOLULU, HAWAII

Dear Chair Marshall and Councilmembers:

Subject: Late Testimony Received--Bills to Amend Chapter 21, Revised Ordinances
of Honolulu 1990 (The Land Use Ordinance), Relating to Bed and Breakfast
Homes and the Regulation of Certain Visitor Accommodations

The Planning Commission received written testimony from Kalana Best, Winona Beamer, Larry Bartley, Noreen Conlin, Neil Frazer, Norma Gunther and Pauline Mac Neil after the public hearing had been closed on the Bed and Breakfast Homes and Visitor Accommodations Bills. As the public hearing has been closed and the commission's recommendation has already been transmitted to the City Council, I am forwarding their testimony to you for your information and consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Henry Eng".

Henry Eng, FAICP, Director
Department of Planning and Permitting

HE:pk

Attachments

APPROVED:

A handwritten signature in cursive script, appearing to read "Wayne M. Hashiro".

Wayne M. Hashiro, P.E.
Managing Director

**~Kalana Best ~
P.O. Box 1686
Kailua, Hawaii 96734
261-6919
KalanaB@aol.com**

Via fax: 527-6743

30 January 2008

Planning Commission
Karin Holma, Chair

Re: Resolutions 05-186 and 05-187


Dear Chair Holma and members of the Planning Commission of the City & County of Honolulu,

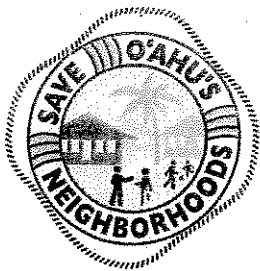
Thank you for your patience in hearing the considerable oral testimony for these two bills, as well as your time to review the written testimony.

Moreover, *thank you* for reaffirming the need for residential integrity in our neighborhoods as well as helping to provide the DPP with additional tools for enforcement.

Your decisions are encouraging to the tax-paying, law-abiding people of Oahu. I hope they also serve as an example of responsibility and statesmanlike deliberation to our council members.

Mahalo nui loa,


Kalana Best



SONHawaii'i

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Aloha aku,

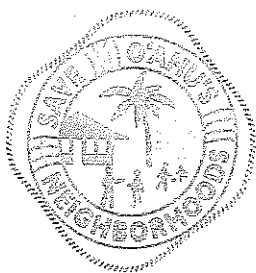
When I was growing up, one of the joys was sitting at home on the front porch with family, eating and talking story. I remember friends and neighbors would come and join us. This is a tradition I passed on to my grandson Kamana and one I hope all children of Hawai'i will enjoy.

While our visitors are important and should be shown *aloha*, I also believe the community created by our residential areas is valuable and should be preserved. These are places where our people have their homes. Where they live and work year-round. Where they know one another, and where their children can go to school and play with other children. It takes neighbors to make a neighborhood.

This is why I applaud efforts by our island *'ohana nui* to preserve the sanctity of a traditional neighborhood and why I give my support to those working toward that end. I have added my support to Save O'ahu's Neighborhoods and encourage others to help them protect the island way of life that we all know and love.

'O wau no me ke mahalo,

Winona Beamer
Hilo, Hawaii
24 October 2005



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Mr. Kenny Komatsubara
Member, Planning Commission
Department of Planning and Permitting
City and County of Honolulu

January 26, 2008

Dear Mr. Komatsubara,

Having now heard all the testimony on the subject of Resolution 05-187, I am writing to advise you of the position of Save O'ahu's Neighborhoods. Not knowing whether or not any motions will be made at your upcoming January 30 meeting, what they may consist of, and whether or not public testimony will be allowed on the motion(s), I submit the following final thoughts.

People familiar with Planning Commission processes (not including current Commission members) have advised me that because the Council passed Res. 05-187 unanimously, the Commission may feel swayed to return it to the Council. In 2005, Res. 05-187 was passed unanimously through a Council "courtesy vote," where other councilmembers deferred to Ms. Marshall and Mr. DelaCruz because they had introduced it and, at the time, the issue seemed to involve only their districts. Res. 05-187 was leveraged through the Council based on Ms. Marshall's contention that enforcement was impossible (which is now known not to be true) and her further contention that B&Bs were acceptable to the community. Her written statement that "people on the North Shore love them" is now known to be quite untrue, as reflected in the position of the North Shore Neighborhood Board on the matter and exemplified by recent lawsuits by North Shore residents.

Enforcement is working, although slowly and with some setbacks. Those in the DPP charged with enforcement are working with neighbors to close illegal operations. This process is sometimes slow and cumbersome, leading to complaints from those not getting resolution quickly enough. Better enforcement tools will be required, and requests for them will be forthcoming from the DPP and/or community groups when the enforcement process is better understood and tested. Remember, serious enforcement only began in late 2005, when the Corporation Council publicly advised the DPP that "catch them in the act" was not the applicable standard but, rather, the much more easily achieved "preponderance of the evidence" is the standard.

The most prudent and responsible approach is for the Planning Commission to pass Res. 05-186 (but including B&Bs) to the Council and vote against any version of Res. 05-187. When the details of effective enforcement are better understood, implemented, and tested,

then—and only then—further proliferation of B&Bs might be considered. We are nowhere near that point.

The public is overwhelmingly opposed to any further invasion of these commercial activities into any residential neighborhoods, as evidenced by the near-unanimous actions of the Wai'anae, North Shore, Kailua, Waimanalo, and Wai'alae-Kahala Neighborhood Boards, plus the Waimanalo Beach Lots and Lanikai neighborhood associations. Not a single community association or Neighborhood Board has endorsed 05-187. ***The only people supporting any expansion of tourism into residential neighborhoods are those in the money chain.*** You saw them at your public hearing. They were mostly illegal vacation house operators, supporting passage of 05-187 because they know they can use its shortcomings to get a "permit" as a B&B, then operate in any form they can get away with. ***Those testifying against 05-187 were not there to make a cent but to save their neighborhoods.***

Res. 05-187 is severely flawed and unworkable—you heard, and have read, lengthy and detailed testimony to this fact. It would be folly to expect it to work, even with significant changes. The results of its passage will be devastating to, eventually, all of our residential neighborhoods. Do you want this to be the legacy of this Planning Commission? Please vote NO on 05-187. The Council can still pass it by a two-thirds majority, but then it will clearly be their legacy, not yours.

Please phone if you desire further information or if I may be of further service. Thanks again for your public service.

Sincerely yours,



Larry Bartley
Executive Director
261-0598

Chair Karin Holma and members of the Planning Commission

Fax 527-6743

RE: The Meaning of "Aloha" [2 pages]

Aloha,

I was very upset when I left the last Planning Commission hearing regarding the vacation rental issue. Although emotions run high on both sides, the Hearing is not a place to express negative and inappropriate behavior – especially when another person is using their precious two minutes to make their point.

I came across this wonderful information about "Aloha as Law" – and wondered if it would be appropriate for someone on the Commission to read excerpts at the Hearing on January 30th.

Thank you for listening.

Noreen Conlin, Makaha

The literal meaning of aloha is "the presence of breath" or "the breath of life." It comes from "Alo," meaning presence, front and face, and "ha," meaning breath. Aloha is a way of living and treating each other with love and respect. Its deep meaning starts by teaching ourselves to love our own beings first and afterwards to spread the love to others.

According to the old kahunas (Hawaiian priests), being able to live the Spirit of Aloha was a way of reaching self-perfection and realization for our own body and soul. Aloha is sending and receiving a positive energy. Aloha is living in harmony. When you live the Spirit of Aloha, you create positive feelings and thoughts, which are never gone. They exist in space, multiply and spread over to others. "Aloha" means mutual regard and affection and extends warmth in caring with no obligation in return. "Aloha" is the essence of relationships in which each person is important to every other person for collective existence. "Aloha" means to hear what is not said, to see what cannot be seen and to know the unknowable.

The Spirit of Aloha as Law

Aloha Spirit is considered a state "law." Although the word law sounds too strong and strict, Aloha Spirit is not such a type of law that will get you in trouble if you break it. Its main purpose is to serve as a reminder to government officials while they perform their duties to treat people with deep care and respect, just like their ancestors did.

Aloha Spirit is more a lesson than a law. By learning and applying this lesson to real life, government officials can contribute to a better world, a world filled with aloha.

Definition of Aloha Spirit State Law

[§ 5-7.5] "Aloha Spirit."

(a) "Aloha Spirit" is the coordination of mind and heart within each person. It brings each person to the self. Each person must think and emit good feelings to others. In the contemplation and presence of the life force, "Aloha," the following unuhi laula loa may be used:

"Akahai," meaning kindness,
to be expressed with tenderness;

"Lokahi," meaning unity,
to be expressed with harmony;

"Oluolu," meaning agreeable,
to be expressed with pleasantness;

"Haahaa," meaning humility,
to be expressed with modesty;

"Ahonui," meaning patience,
to be expressed with perseverance.

These are traits of character that express the charm, warmth and sincerity of Hawaii's people. It was the working philosophy of Native Hawaiians and was presented as a gift to the people of Hawaii.

"Aloha" is more than a word of greeting or farewell or a salutation.

"Aloha" means mutual regard and affection and extends warmth in caring with no obligation in return.

"Aloha" is the essence of relationships in which each person is important to every other person for collective existence.

"Aloha" means to hear what is not said, to see what cannot be seen and to know the unknowable.

(b) In exercising their power on behalf of the people and in fulfillment of their responsibilities, obligations and service to the people, the legislature, governor, lieutenant governor, executive officers of each department, the chief justice, associate justices, and judges of the appellate, circuit, and district courts may contemplate and reside with the life force and give consideration to the "Aloha Spirit." [L 1986, c 202, §1]

To: Planning Commission, City & County of Honolulu, fax: 527-6743

From: Neil Frazer, 112 Hookea Drive, Kailua, HI 96734. 261-6423

Re: Against Resolution 187

An important point, which I think has been overlooked in this debate, is that legalization of TVU's, B&Bs, corporate ownerships, and fractional ownerships in residential neighborhoods reduces the supply of long-term rental housing.

In my own neighborhood in Kailua, which is within walking distance of the beach, every house near me has an owner-occupant and one or more long-term rentals. The five nearest houses have seven long-term rentals: one renter is a web site developer; one renter is a child of the owner; one renter is a retiree on a limited income; one renter is a nurse; one renter is a therapist; and so forth. If their units are converted to vacation rentals, they will be forced to move. Some of them can afford to move elsewhere, but in doing so they will displace other long-term renters.

In the Honolulu Advertiser of January 15, 2008, I read that the state plans to spend \$20M on a new homeless shelter. The total figure mentioned in this article is around \$300M, including subsidies to create more affordable housing. Accordingly, I am not persuaded that the increase in state revenues from conversion of long-term rentals to visitor accommodation (the increased revenue being due to the difference between the transient accommodation tax and the general excise tax on long-term rentals) is greater than the resulting increase in state subsidies that will be needed for affordable housing. Thus, by legalizing the conversion of long-term rentals to short term rentals, the state increases the income of a few landowners at the expense of other taxpayers.

I realize that City & County revenues also increase when land is rezoned from residential to resort. However, homelessness also has many obvious costs to the City & County. When children (the taxpayers of tomorrow) have difficulty concentrating in school because they have no stable home, our future is impaired.

Another important point that has been overlooked is that legalization of more vacation rentals lowers the diversity of the local economy by increasing our concentration in the visitor industry. For example, my neighbor the web developer works quietly out of his rented quarters, with only positive impacts on our neighborhood. Nearly all of his income comes from out of state, and nearly all of it is spent in our state. None of his customers care where he is physically located, and if he is forced to leave his present rental, he is more likely to move to the mainland than to Mililani. Do we really want to displace this quiet, long-term resident in favor of visitors who may suddenly decide to go elsewhere if airline fares increase?

Thank you for your thoughtful service to our island.

L. Neil Frazer

January 25, 2008

Chairperson
Honolulu City Planning Commission
City and County of Honolulu
650 S. King Street, 8th Floor
Honolulu, HI 96813

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Dear Planning Commission Members,

I have listened to the many persons testifying about the B&B and Vacation Rental problem in the last couple of months. I have come to a conclusion about a solution for this situation and think there is no other solution but to ban all short term rentals in residential areas.

Kailua is extremely hard hit with zoning-busters who are ruining my neighborhood. I have been anti-short term rental for almost twenty years now. We had about 30 US Marines rent the house across the street from us for a weekend back in the 1980's. What a weekend that was!! That house was always a problem on our short beach lane. I was really hopeful when the City legalized only a certain amount of short term rentals in 1987 and they promised there would not be any more allowed. The owners across the street rented long term to a man who operated a termite exterminating company and all the chemicals were stored in the yard. The workers showed up and hung around with their big trucks and dubious natures.

In addition, we have a 30,000 sq. ft. house at the end of our street on the beach that we were promised was only a beach house for the wealthy family who built it. It looks like the Halekulani Hotel, has 2 swimming pools, 10 bedrooms/baths, a stage, and a separate house for the manager. We understand now it is rented for \$6,250.00 per day, and it has the attendant cooks, housekeepers, yard service who park on our private beach lane, not their property. Also the kayak truck delivers kayaks, and the bottled water truck and gas truck come almost every day.

I was born in Hawaii and it will continue to be my home. When I first moved to Kailua people still rode horses on Kailua Beach and it was very much a family place. No longer. Not with McMansions and people who violate zoning laws because they know the City will not enforce our codes.

It is time to ban these businesses in our residential areas. You can't enforce your laws and won't enforce them. Kailua is getting the brunt of the problem. Ban ALL short term rentals in Kailua. Give us a try. We deserve it. I see a home owner in Haleiwa is suing the City for non-enforcement of zoning on Papailoa Road. I'm with him on that one. My parents lived on Papailoa Road and I am very familiar with what it used to be. It is about time you were sued. The problem is completely out of hand.

Don't forget the testimony last week from five or six different Neighborhood Boards who have voted against allowing any more short term rentals in their neighborhoods. It is time for you to listen to us.

Sincerely,
Norma Gunther
580-B N. Kalaheo Ave.
Kailua, HI 96734

To: Planning Commission, City & County of Honolulu
Fax: 527-6743

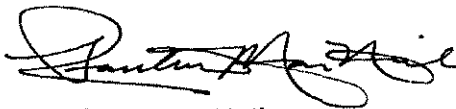
Your unanimous decisions to recommend against passage of Bill 187 and to support only Exhibit B of Bill 186 have renewed my faith in government.

Thank you for listening to the testimony of your neighbors, and for understanding the negative impact the proposed legislation would have on our small residential communities.

I hope your leadership inspires the City Council to follow, as that will stave off future litigation over zoning changes and the location of unwanted B&Bs.

You have provided a stellar service to the people of Oahu.

Aloha,

A handwritten signature in black ink, appearing to read "Pauline Mac Neil", with a stylized flourish at the end.

Pauline Mac Neil
112 Haokea Drive
Kailua, HI 96734